

CLEAN WATER COUNCIL
Meeting Highlights
March 11, 2003

Location:

NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ.

Attendees:

Pam Goodwin, Kerry Kirk Pflugh, James Cosgrove, Anthony McCracken, Helen Heinrich, Lou Mason Neely, Russell Furnari, Barry Sullivan, Ferdows Ali, Amy Goldsmith, Todd Kratzer, Dan VanAbs, Pat Pittore, Robert Brabston, Rick Kropp, Marybeth Koza, Ursula Montis and Larry Baier.

Pat Matarazzo could not be present so Pam Goodwin (Saul, Ewing, Remick & Saul) presided over this meeting.

Pam Goodwin called for any corrections or additions to the minutes of the last meeting. There were none. It was moved that the minutes be approved as written. It was voted upon and passed.

C1 Comment Letter:

The draft C1 letter was finalized on February 13, 2003, signed by Pat Matarazzo and forwarded to the comment people.

PSE& G letter of comments on the proposed amendments to the Surface Water Quality Standards, dated February 17, 2003 was handed out to the members. Russ Furnari reported that it would probably be awhile before we hear anything back on these comments, as there were many of them and also there were a lot of issues with the science on the Wildlife Criteria that needed to be reviewed.

Public Hearing Update:

Kerry Kirk Pflugh reported that everything was moving forward. She brought a copy of a drafted version of the flyer and wanted the members to look at it and to add or make corrections. The title of the Public Hearing will be "Reclaimed Water for Beneficial Reuse". This flyer will look a little different from the one last year, as Rutgers will be doing the formatting. They will send it out to about 4,000 people. The NJ Water Supply Advisory Council will be co-sponsoring the Hearing with us. Their name also appears on the flyer. The questions in the brochure are all the ones agreed upon at our last meeting. We have all our speakers and are just waiting to hear back from Jim Grob on who will be our Golf course speaker. The flyer will go out within a week or so. Kerry has contacted the press office and they will be doing a press announcement for this Hearing.

Tony McCracken asked if we could add the Water Supply Advisory Council's website in the flyer.

Kerry – yes we can.

Marybeth Koza – Do we need a speaker to represent industry?

Pam Goodwin – U. S. filter will do that. They will speak of their experience in implementing this program interrelating with private industry as well as with the public sector, because they deal with both.

Marybeth Koza – Maybe we need more details on what the speakers will be talking about.

Kerry – We will get the title of their speech and a short description of what it will be about.

Russ Furnari – Can we offer the public a chance to do a poster session? Put it in the flyer and ask that they call in ahead of time?

Kerry – Yes, we can do that.

Big Map Presentation

Larry Baier, Director of Division of Watershed Management spoke on the “Big Map”. The Map is up on the DEP website. The majority of the information for the “Big Map” came out the Governor’s State of the State address. It is a blueprint for intelligent growth. The plan is to direct growth back to where we want development to occur, in the Urban areas. A big part will be to focus resources into the Urban areas making them more attractive and livable thus encouraging people to move back to those areas. We want to encourage growth back into the Urban areas and discourage growth in the suburban areas. The red areas are the more environmentally sensitive areas where the focus is more regulatory, designed to protect those sensitive areas. The Map is a GIS generated map with overlays and is designed to consider both existing conditions and environmental factors. Red is the sensitive areas, green areas will focus on encouragement of development in this area, and yellow is the transitional area that could go either way, depending on conditions. This map is the most recent one but there will probably be changes made as we go along. The Map is being developed using an overlay method that considers:

- Existing conditions
- Environmental factors
- Elements of the State Plan Policy Map

Multiple Geographical Information System data layers (GIS data) are being integrated, sorting the State’s land and water areas into three areas: Green Light, Red Light and Yellow Light areas.

Area 1 – Smart Growth Areas “Green Light”-

- “Core” green covers: Metropolitan Planning Areas, Urban Enterprise Zones, Urban Coordinating Council Neighborhoods, Node, Cores and Designated Centers, CAFRA Centers.

- “Auxiliary” green covers: Suburban Planning Area 2 (PA2) where PA2 overlaps with Approved Sewer Service Areas (minus SSAs for Discharges to Ground Waters less than 20,000 gpd, holding tanks and non-discharge areas)
- “Red Light” areas are removed from both.

Area II – Growth Reserve Areas – “Yellow Light” covers:

- Wetlands within “Core” green light areas that are greater than 5 acres
- Suitable habitat for Threatened and Endangered Wildlife Species from the Landscape Project (Rank 2) within the “Core” green light areas
- Any areas not mapped as Green or Red light

Area III – Natural Resource Areas – “Red Light” cover

- State Open Space
- Local and County Open Space
- Private (non-profit) Preserved Open Space
- Federal and Utility Open Space
- Farmland Preservation Areas
- Agricultural Lands
- Pinelands Preservation Area
- Buffers of Category 1 Waters that are currently designated or proposed in regulation (stream segments depicted on map)

The biggest item turning a large part of the map red is the Threatened and Endangered Species. The Landscape Project basically mapped out the habitat of the Threatened and Endangered Species. Natural Heritage Priority sites were mapped out as Red areas.

The Commissioner would like us to shift away from a traditional planning module and go into a standards based approach. The “Map” will guide development, state resources and state regulatory policies across all Departments (regulatory and non-regulatory). We would integrate the “Big Map” with the State Plan Map. In the “Green Light” areas we would like to make grants more attractive and available to encourage growth and development in those areas. We will try to make the regulatory process smoother, but we will not abandon environmental standards. In the Red Light areas we will limit resources with a reduction of general permits, and shift to “Green Light” areas, making use of general permits in wetlands. In all areas there will be incentives. We will try to preserve large areas of land in the “Red Light” areas. In the “Green Light” areas we would advocate the practice of environmentally sensitive development.

The Commissioner would like to do away with Treatment Works Approval in the “Green Light” areas. As long as there is capacity, you can hook up to the sewer without Department oversight.

It is the hope that ultimately the “Big Map” will be adopted as a Statewide Water Quality Management Plan Amendment. This would make our decisions, in terms of Wastewater Management Planning and Water Quality Management Planning, consistent with the “Big Map”. They would like to hold impervious coverage, which impacts water quality, down to 10%. Impervious coverage, that is 25% or better, is irreversible. Therefore, if

we make the impervious covered areas better, we would improve Water Quality in those areas. We would rescind approved SSA's in the "Red Light" areas. We will use a three legged stool approach:

- Nitrate dilution – 2 ml/liter nitrate concentration
- Surface Water Standards – Focusing on impervious cover to predict what effects will be.
- Water Supply aspect – looking at an interim threshold where we would only allocate in the red areas some portion of the difference between the base flow and 7Q10.

The Watershed Rules are not done yet. But, clearly the capturing of septics at some point will be an emphasis in these Rules. There is a plan to integrate State Programs. The Department of Community Affairs will integrate the SDRP endorsed plan and the WQMP process. They also plan to integrate the Dept. of Agriculture as well as the Dept. of Transportation. The schedule is as follows: Notice of Opportunity for Public Comment will be in the NJ Register 3/3/03; Close of Informal Comment Period will be 4/2/03. The target date for the first round of Rule Proposals will be Spring of 2003.

Discussion with members:

Barry Sullivan – What would prevent developers from building on septic systems on large lots in Agricultural areas (red areas)?

Kerry – the presence of Threatened and Endangered Species could prevent that.

Larry Baier – I can't prevent that from happening, but we can make it more attractive and more cost effective for them to cluster in an area where we prefer them to build.

Barry – We really need to deal with the Municipalities. That is something that has not been done in the past and should be.

Marybeth Koza – The only one that gets regulated is Industry. Management comes to me and says that they want to grow, and ask how they can do this. Unfortunately, the Map does not take into account environmental justice. You can't have everything green without Industry, because you have to have economic growth. I do not think this Map does that.

Larry B. – We will be looking very hard at that issue and how we will deal with environmental justice.

Helen Heinrich – The Plan Endorsement you referred to, is that the State Plan Endorsement process, or is this a separate DEP Plan Endorsement?

Larry B. – They will be one in the same. I can't say whether it will be the same current State Plan Endorsement process. Those two processes will become one. In fact, our WQMP amendment process will be rolled into them as well, so that it will be one process. DEP will sit at that table and have a part in what is decided upon. Someone needs to look at this at a more refined level.

Amy Goldsmith – had a meeting with the Commissioner and some of the changes that are going to be proposed and submitted to the Legislature, were providing more tools to the Municipalities. The towns that want to use the tools, will. The towns who do not, won't. The State has made it clear that they will not support those Municipalities financially if they do not do what they should. The original Map presented in January was, for all intent and purposes, a Water Rule, Land Use Map. And I hope that we continue to stay close to that path, because I think that we do not have the water to drink, we will not have it for anything else. I am concerned that some of the areas that went green may not be appropriate because they are historic sewer service areas.

Pam Goodwin – I question from the tax based standpoint, whether in the future there will be money available for the Municipalities to do the kinds of things you are contemplating that they are going to do, because it's all one big picture. If there isn't enough incentive for builders to build and industry to develop and jobs to be formulated, then, although it's a wonderful academic concept, I am just not sure how it will play out in the long run.

Tony McCracken – When the State Plan came along, there was a financial impact study that was done by Rutgers University. People have been asking if that is something that will be included in this analyses too, as part of the Plan Endorsement process. Originally, it was thought that such an analyses was necessary.

Lou Mason Neely – How do we allow streams to recharge?

Larry Baier – I think that this Map will force that issue. Your Public Hearing is exciting to me, in that, we hope that it may generate new ideas on how to get around the high cost of reclaiming water. Right now, it is more cost effective to pump more water and drill new wells than it is to bring water back to the sewer treatment plant. Who will be responsible for treating that water? Will it be the sewer authority or the end user? I'm hoping that a lot of these issues will be talked about at your Public Hearing.

Tony McCracken – do you see challenges down the road in promoting the “Big Map”?

Larry Baier – It will be a long tough road. We are trying to take this concept to as many different interest groups as possible to get their feedback, so that what we end up with is the most reasonable thing we can do to protect the environment.

Pam Goodwin thanked Larry for his presentation of the “Big Map” and adjourned the meeting.

